

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**MARCUS D. WHEELER,**

**Defendant.**

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**8:07CR356**

**REPORT AND RECOMMENDATION  
AND  
ORDER**

At the conclusion of the hearing on January 17, 2008, on the defendant's motion to suppress evidence, I stated my conclusions on the record and my decision to recommend that the motion to suppress be denied. In accordance with that announcement,

**IT IS RECOMMENDED** to the Honorable Joseph F. Bataillon, Chief United States District Judge, that the motion to suppress, Filing No. 15, be denied in all respects.

**FURTHER, IT IS ORDERED:**

1. The clerk shall cause an expedited transcript of the hearing to be prepared and filed.
2. Pursuant to NECrimR 57.3 any objection to this Report and Recommendation shall be filed with the Clerk of the Court within ten (10) business days after the transcript is available to counsel for reading in the clerk's office. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

Dated this 17th day of January, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge